

1 3993 Howard Hughes Parkway, Suite 600  
2 Las Vegas, NV 89169-5996  
3 Facsimile (702) 949-8321  
4 Telephone (702) 949-8320

5 Robert M. Charles, Jr. NV State Bar No. 006593  
6 Email: rcharles@lrlaw.com  
7 John Hinderaker AZ State Bar No. 018024  
8 Email: jhinderaker@lrlaw.com

9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**  
11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE  
14 COMPANY,

15 Debtor.

16 Case No. BK-S-06-10725-LBR

17 Chapter 11

18 **USACM Trust's AMENDED Motion to  
19 Amend Court's Order Sustaining the  
First Omnibus Objection Re The Lerin  
Hills, LTD Loan (Amended to Revise  
Hearing Date)<sup>1</sup>**

20 **Date of Original Hearing: September 30, 2011**

21 **Date of Hearing: March 1, 2012**

22 **Time of Hearing: 10:00 a.m.**

23 **Estimated Time for Hearing: 5 minutes**

24 The USACM Liquidating Trust (the "USACM Trust") moves to amend **Exhibit A**  
25 to the Court's Order Sustaining First Omnibus Objection of USACM Trust to Proofs of  
26 Claim Based Entirely Upon Investment in the Lerin Hills Loan [DE 9486] (the "Order").

27 After the Court entered the Order, the USACM Trust realized that the amount of the  
28 claim shown for Proof of Claim No. 10725-2053 by KM Financials LLC (the "Claim")  
29 was incorrect. To correct this error, the USACM Trust asks that the Court amend the  
30 Order such that the amount of the Claim is stated as \$50,883.56; 85% of the Claim  
31 (\$43,251.03) disallowed; and 15% of the Claim (\$7,632.53) is allowed. This result is  
32 consistent with how the Court treated the other claims subject to the First Omnibus

33  
34  
35  
36 <sup>1</sup> The original motion[DE 9577] was filed on December 1, 2011. However, no hearing was set. Therefore,  
the USACM Trust is submitting an amended motion to provide for proper notice of the hearing.

1 Objection of USACM Trust to Proofs of Claim Based Entirely Upon Investment in the  
2 Lerin Hills Loan.

3  
4 DATED January 4, 2012

5 LEWIS AND ROCA LLP

6 By s/ John Hinderaker (AZ 18024)  
7 Robert M. Charles, Jr., NV 6593  
John Hinderaker, AZ 18024 (*pro hac vice*)  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
E-mail: JHinderaker@lrlaw.com  
9 Attorneys for the USACM Liquidating Trust

10 Copy of the foregoing mailed by first class  
Postage prepaid U.S. mailed on  
11 January 4, 2012 to:

12 KM Financials LLC  
13 4847 Damon Cir  
14 Salt Lake City, UT 84117-5854

15  
16 LEWIS AND ROCA LLP

17  
18 /s/ Marie Mancino  
19 Marie Mancino, Secretary